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Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition

Brazil, Ecuador, El Salvador, Guatemala, Mexico and Peru: revised draft resolution

Enhancing and ensuring the effective implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime,

Recalling the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime,[1] and reaffirming its decisions 7/1 of 10 October 2014 and 4/6 of 17 October 2008,

Recalling also its resolutions 5/4 of 22 October 2010, entitled "Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition", 7/2 of 10 October 2014, entitled "Importance of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime", and 8/3 of 21 October 2016, entitled "Strengthening the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime",

Welcoming the results of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Doha from 12 to 19 April 2015, including the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to

[1] United Nations, *Treaty Series*, vol. 2225, No. 39574.

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Promote the Rule of Law at the National and International Levels, and Public Participation,[2]

Bearing in mind the 2030 Agenda for Sustainable Development[3] and its target 16.4, on significantly reducing illicit arms flows in order to promote peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels, and taking into account the work carried out by the Inter-Agency and Expert Group on Sustainable Development Goal Indicators in developing an indicator framework and a list of indicators for the monitoring of the goals and targets of the 2030 Agenda for Sustainable Development, including on illicit arms flows,

Concerned about the harm caused by, and the negative impact of, illicitly manufactured and trafficked firearms, their parts and components and ammunition on the levels of crime and violence in several regions and the links between such firearms and existing and emerging forms of organized crime and, in some cases, terrorism,

Deeply concerned about the increasing levels of harm and violence that transnational organized criminal groups are generating in some regions of the world as a result of the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Noting that reducing the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition is one of the major components of the efforts to reduce the violence that accompanies the activities of transnational organized criminal groups,

Recognizing the urgent need for States parties to adopt an integrated and comprehensive approach to address the root causes of transnational organized crime, including the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, acknowledging, where appropriate, economic and social factors having an impact upon firearms-related crime, as well as cross-border criminality and trafficking flows, in particular as related to firearms, and to considering the gender dimension of such crime,

Deeply concerned about the negative impact of trafficking in firearms on the lives of women, men, girls and boys, and recognizing that preventing, combating and eradicating trafficking in firearms are key to combating gender-based violence,

Aware of the need to strengthen international cooperation and the sharing of information to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Convinced of the need for States parties to ensure that their legal frameworks and relevant measures eliminate loopholes and adequately address the criminal exploitation of new forms of international commerce such as online trade in firearms, their parts and components and ammunition, with a view to reducing their trafficking,

Noting recent efforts undertaken at the multilateral, regional and subregional levels to strengthen the prevention of and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in order to contribute to protecting the safety of people,

Highlighting that the Convention and, in particular, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,[4] are among the principal global legal instruments to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

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[2] General Assembly resolution 70/174, annex.

[3] General Assembly resolution 70/1.

[4] United Nations, *Treaty Series*, vol. 2326, No. 39574.

Noting the common themes, nature and complementary character of other relevant international legal instruments, as well as other relevant regional instruments and global frameworks, such as the Arms Trade Treaty,[5] which provides a framework for its States parties to regulate the international trade in conventional arms, as well as regional legal instruments, and political commitments such as the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects[6] and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,[7] which are aimed at preventing and combating the illicit manufacturing of and trafficking in firearms and reducing the risk of their theft and diversion,

Acknowledging that the Working Group on Firearms serves as a useful network of experts and competent authorities in order to identify new challenges, improve international cooperation, and exchange information and best practices related to combating trafficking in firearms,

Noting with appreciation the assistance provided to Member States, upon request, by the United Nations Office on Drugs and Crime, including through its Global Programme on Firearms, for awareness-raising, the dissemination of information, and support for developing national legislation, aimed at facilitating the ratification, acceptance or approval of, or accession to, the Organized Crime Convention and its Firearms Protocol,

Acknowledging the valuable contribution, where appropriate and useful, of representatives from academia, the private sector and civil society, in raising awareness and exchanging best practices regarding international cooperation in preventing and combating the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, as well as in identifying technical assistance needs and providing such assistance, including the valuable contributions made by the private sector and industry in providing relevant information to States parties in the areas of manufacturing, marking and record-keeping, and encouraging their further cooperation to assist States parties in meeting their obligations under the Firearms Protocol,

1. *Expresses its appreciation* for the work of the Working Group on Firearms at its fifth and sixth meetings, held in Vienna from 8 to 10 May 2017 and on 2 and 3 May 2018,[8,9] respectively, and invites States parties to take measures, as appropriate, to implement the recommendations contained in the reports on those meetings, and welcomes the consolidated recommendations of the Working Group on Firearms produced by the Secretariat at the request of the Working Group;

2. *Invites* States that have not yet done so to consider becoming parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,[4] and to fully implement its provisions, requests the United Nations Office on Drugs and Crime, through its Global Programme on Firearms, to continue to assist requesting States in their efforts to ratify, accept, approve or accede to and implement the Firearms Protocol, and encourages those Member States in a position to do so to make available extrabudgetary resources to enable the Office to implement its mandate in this regard;

3. *Urges* States parties to the Firearms Protocol to harmonize their legislation in a manner consistent with the Protocol, develop action plans, programmes or strategies to fully implement the Protocol, provide to the Secretariat full and up-to-date information on their national body or single point of contact in that regard

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[5] See General Assembly resolution 67/234 B.

[6] *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9–20 July 2001* (A/CONF.192/15), chap. IV, para. 24.

[7] A/60/88 and Corr.2, annex; see also General Assembly decision 60/519.

[8] CTOC/COP/WG.6/2017/4.

[9] CTOC/COP/WG.6/2018/4.

and make use of the online directory of competent national authorities designated by States under the Protocol;

4. *Calls upon* States parties to the Firearms Protocol to ensure that their legal frameworks and relevant measures eliminate loopholes and adequately address the criminal exploitation of new forms of international commerce such as online trade in firearms, their parts and components and ammunition, as well as the illicit reactivation of firearms, with a view to, inter alia, reducing their illicit trafficking;

5. *Encourages* States parties to the Firearms Protocol to address any existing gaps in their legislative frameworks in order to ensure that their laws satisfy the requirements of the Protocol, as well as other international and regional instruments to which they are party, on points such as import and export licensing, marking, tracing and record-keeping, including through the use of the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto*;[10]

6. *Encourages* States parties to the United Nations Convention against Transnational Organized Crime,[1] to present, on a voluntary basis, including through the Working Group on Firearms, their views and comments on the implementation of the Firearms Protocol, including those relating to factors that may impede accession, ratification, acceptance, approval or implementation, as well as on good practices and the progress made in implementing the Protocol, with a view to achieving closer cooperation on preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

7. *Calls upon* States parties to develop or strengthen their national capacity for the collection and analysis of data on firearms trafficking, invites States parties to the Firearms Protocol to ensure the effective implementation of its articles 6, 7, 8 and 12, given the importance of appropriate marking, tracing and record-keeping as a source of key data necessary to effectively trace firearms for the purpose of identifying and investigating trafficking, and, recognizing the complementarity of reporting by States parties to the Protocol and by Member States under indicator 16.4.2 of the Sustainable Development Goals, invites the Working Group on Firearms to consider this complementarity at its next meeting;

8. *Encourages* States parties to revise and enhance their national data collection practices and tools, and with a view to identifying trends and patterns related to trafficking in firearms, fostering information exchange and enabling the global monitoring of indicator 16.4.2 of the Sustainable Development Goals, and invites States parties to participate in and contribute to the upcoming data-collection cycle of the United Nations Office on Drugs and Crime by providing quantitative and qualitative data and information on trafficking in firearms;

9. *Urges* States parties to the Firearms Protocol that import and export parts and components of firearms to reinforce their control measures in line with the Firearms Protocol and other relevant international legal instruments to which they are party, with a view to preventing and reducing the risks of their diversion, illicit manufacturing and trafficking;

10. *Encourages* States parties to the Firearms Protocol, in line with its article 8, paragraph 2, and article 13, paragraph 3, to develop and strengthen relationships between competent authorities and manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms, their parts and components and ammunition to prevent and detect diversion, including into illicit markets, as well as illicit manufacturing and trafficking;

11. *Also encourages* States parties to the Firearms Protocol to strengthen their domestic marking and record-keeping regimes, consistent with the requirements of

[10] United Nations publication, Sales No. E.05.V.2.

the Protocol, for the purpose, inter alia, of identifying and tracing firearms and, where possible, their parts and components and ammunition;

12. *Calls upon* States parties to systematically collect, record and analyse data, including tracing data on recovered, seized, confiscated, collected and found firearms suspected of being involved in an illicit activity, with a view to identifying their origin and detecting possible forms of trafficking, as well as to use tracing results to conduct in-depth criminal investigations on firearms trafficking, including parallel financial or other investigations, where appropriate;

13. *Encourages* States parties to provide one another with the broadest possible cooperation in tracing firearms and in investigating and prosecuting their illicit manufacturing and trafficking, including by responding in a timely and effective manner to international cooperation requests relating to tracing and criminal investigations, and in this regard, to consider making use of tracing or facilitation mechanisms, including, as appropriate, the Organized Crime Convention and its Firearms Protocol, and the International Criminal Police Organization (INTERPOL) Illicit Arms Records and Tracing Management System, among others;

14. *Urges* States parties to promote the exchange of best practices and experiences of practitioners who are involved in preventing and combating trafficking in firearms and to consider the use of available tools, including marking and record-keeping technologies, to facilitate the tracing of firearms and, where possible, their parts and components and ammunition, in order to enhance criminal investigations of trafficking in firearms;

15. *Invites* States parties to the Firearms Protocol to ensure the comprehensive marking of all firearms, including weapons that have been collected, recovered or confiscated and officially authorized for disposal by means other than destruction, in accordance with its articles 6 and 8, for the purpose of preventing and reducing the risk of theft, diversion and trafficking;

16. *Also invites* States parties to promote the exchange of best practices and experiences in measures aimed at preventing the falsification or illicit obliteration, removal or alteration of the markings on firearms and, where appropriate, their parts and components;

17. *Further invites* States parties to develop or strengthen their internal capacity for the collection and analysis of data on firearms trafficking, inter alia, by promoting enhanced coordination among relevant competent authorities, and to provide training to law enforcement personnel on the identification, recording and reporting of seizures of firearms, their parts and components and ammunition, and on producing relevant statistics on seizures at the national level;

18. *Invites* States parties to the Firearms Protocol to provide or request specialized training for national law enforcement and regulatory officials on marking, tracing and record-keeping in line with its articles 6, 7, 8 and 12, emphasizing that such efforts are critical to the effective tracing and identification of trafficked firearms, and to provide training, including training on new technologies, to law enforcement personnel on the identification of firearms and the recording and reporting of firearms seizures;

19. *Requests* States parties to strengthen their mechanisms and strategies for border control in order to prevent and combat trafficking in and diversion of firearms ammunition, parts and components, including by strengthening early-detection capacities through the use of technological tools, for example by using state-of-the-art technological tools for the monitoring and inspection of border controls on land, at sea and in the air, and by providing specialized training to law enforcement, customs and judicial authorities, as appropriate, as well as to importers and exporters and other relevant private sector actors, such as transporters;

20. *Invites* States parties to consider providing technical assistance, on a voluntary basis and under mutually agreed terms, to strengthen the national capacities

of developing countries, including through the provision of state-of-the-art equipment such as scanners and other systems for border control required for combating trafficking in firearms;

21. *Requests* the United Nations Office on Drugs and Crime, through its Global Programme on Firearms, to develop specific risk indicators to assist national authorities in their efforts to prevent, detect and combat cases of diversion, illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

22. *Encourages* States parties to consider establishing or strengthening specialized units with a view to enhancing investigative capacities and strategies to prevent, combat and eradicate firearms trafficking, and to consider enhancing scientific services related to the gathering and processing of related evidence;

23. *Invites* States parties to collect data that have been disaggregated by gender and trafficking in firearms, including through national reports, and to increase their understanding of the gender-specific impacts of the trafficking in firearms, in particular for the purpose of improving corresponding national policies and programmes;

24. *Encourages* States parties and the United Nations Office on Drugs and Crime to mainstream gender perspectives into firearms policies and programmes, including in the areas of programme design, planning, implementation, monitoring and evaluation, and encourages the sharing of national experiences, lessons learned and best practices;

25. *Urges* States parties to strengthen coordination and cooperation among all of their internal institutions involved in the prevention of and the fight against trafficking, as well as to consider entering into effective international cooperation arrangements for investigations and prosecutions, including through joint investigative teams, and making use of the good practices adopted by some countries;

26. *Encourages* States parties to promote, whenever possible, the participation in the meetings of the Working Group on Firearms of national experts and competent authorities, subregional and regional organizations and relevant non-governmental organizations, in line with the rules of procedure of the Conference;

27. *Also encourages* States parties to take advantage of the discussions of the Working Group involving the sharing and exchanging of information on trends and policies with respect to the unauthorized craft production of firearms, their parts and components and ammunition, and to take cognizance of the ongoing work of the Expert Group to Conduct a Comprehensive Study on Cybercrime to address the topic of trends identified and efforts undertaken with regard to the detection and dismantling of trafficking crimes perpetrated through the criminal misuse of information and communication technologies such as the darknet and cryptocurrencies, in order to reduce trafficking in firearms, and in this regard calls upon the Working Group to develop, at its next meeting, a comprehensive multi-year workplan in order to facilitate the greater participation of experts and competent authorities;

28. *Invites* States parties to exchange experiences and information on the illicit manufacture of firearms employing advanced technology and new technological tools;

29. *Invites*, where appropriate, international and regional organizations, the private sector, non-governmental organizations, academia and civil society to strengthen their cooperation and work with States parties to the Firearms Protocol in order to achieve the full implementation of the Protocol and to raise awareness with a view to preventing and countering trafficking in firearms, their parts and components and ammunition;

30. *Requests* the United Nations Office on Drugs and Crime to continue to assist States parties, upon request, in their efforts to strengthen their firearms control regime, consistent with the Firearms Protocol, in particular in the areas of legislative

development; firearms identification, seizure, confiscation and disposal; technical support for marking, record-keeping and tracing; and training and capacity-building in the investigation and prosecution of related crimes, with a view to preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

31. *Also requests* the United Nations Office on Drugs and Crime to continue to promote and encourage international cooperation in criminal matters, pursuant to the Convention, with the aim of investigating and prosecuting the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including when related to terrorism and to other crimes, such as urban crime committed by gangs, through regional and cross-regional workshops, including for countries that are on relevant trafficking routes;

32. *Further requests* the United Nations Office on Drugs and Crime to continue to collect and analyse, on a regular basis, quantitative and qualitative information and suitably disaggregated data on trafficking in firearms, their parts and components and ammunition, taking into consideration the usefulness of the *UNODC Study on Firearms 2015* and target 16.4 of the Sustainable Development Goals, as well as to continue to share and disseminate its findings on best practices, the dimensions and characteristics of such trafficking, and lessons learned;

33. *Requests* the United Nations Office on Drugs and Crime to continue in its efforts to improve the methodology of the *UNODC Study on Firearms 2015*, and in this regard invites the Office and other entities with similar firearms data-collection mandates to continue to explore ways to cooperate and coordinate with each other, with a view to developing synergies between the distinct reporting obligations of States parties and, where appropriate, facilitating the production of standardized and comparable data;

34. *Also requests* the United Nations Office on Drugs and Crime to continue to promote and strengthen synergies with other relevant United Nations entities in order to support national capacities to compile and analyse data on trafficking in firearms, thus helping States achieve target 16.4 of the 2030 Agenda for Sustainable Development;

35. *Requests* the Secretariat to inform the Working Group on Firearms about (a) the activities of the United Nations Office on Drugs and Crime to assist the Conference in promoting and supporting the implementation of the Firearms Protocol, (b) coordination with other relevant international and regional organizations, (c) best practices in the areas of training and capacity-building, and (d) awareness-raising strategies to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

36. *Also requests* the Secretariat to promote cooperation and coordination among the secretariats and pertinent bodies of relevant international and regional instruments and mechanisms;

37. *Further requests* the Secretariat to continue supporting the Working Group in the performance of its functions;

38. *Decides* to request the Secretariat to provide to the Conference at its tenth session a report on the meetings of the Working Group held prior to that session;

39. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations.